

**UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF PUERTO RICO**

UNION DE EMPLEADOS DE MUELLES DE
PUERTO RICO PRSSA WELFARE PLAN, et
al.,

Plaintiffs,

v.

UBS FINANCIAL SERVICES
INCORPORATED OF PUERTO RICO, et al.,
Defendants,

v.

PUERTO RICO FIXED INCOME FUND II,
INC., et al.,

Nominal Defendants.

CIVIL NO. 10-01141 (ADC)

**NOTICE OF ORDER FROM THE SUPREME COURT OF THE UNITED STATES
GRANTING PETITION FOR *CERTIORARI***

TO THE HONORABLE COURT:

COME NOW Defendants UBS Financial Services Incorporated of Puerto Rico, UBS Trust Company of Puerto Rico, Miguel A. Ferrer, Carlos V. Ubiñas, Stephen C. Roussin and Leslie Highley, Jr. (the “UBS Defendants”) and hereby put the Honorable Court on notice of the following:

1. On April 4, 2013, the UBS Defendants and the other defendants in this case filed a *Petition for writ of certiorari* (the “Petition”) before the Supreme Court of the United States (the “Supreme Court”) requesting review of the judgment entered by the United States Court of Appeals for the First Circuit (the “Court of Appeals”) in Appeal No. 11-1605.

2. The Supreme Court entered an order on June 24, 2013, granting the Petition and on that same date the Clerk of the Supreme Court filed a letter with the Court of Appeals to inform of the issuance of the writ for certiorari.

3. Currently pending before this Court is the *Motion to Dismiss for Lack of Subject Matter Jurisdiction* (the “Motion to Dismiss” or Docket No. 81) on the grounds that Plaintiffs lack standing to file this suit. The UBS Defendants submit that the Motion to Dismiss was fully briefed by April 3, 2013, and therefore, the motion is now fit for the Court to reach a determination on the matters raised therein. Notwithstanding the issuance of the writ for certiorari, this case is not automatically stayed and this court remains free to rule on the pending Motion to Dismiss. *See* 28 USCS § 2101. Because the Motion to Dismiss may impact the appeal to the Supreme Court, the UBS Defendants respectfully request that the Court promptly rule on the Motion to Dismiss.

WHEREFORE, Defendants hereby respectfully request that the Court take notice of the foregoing, proceed with entry of judgment dismissing the case pursuant to the Motion to Dismiss (Docket No. 81), and grant such relief as is just and proper in these proceedings.

RESPECTFULLY SUBMITTED.

In San Juan, Puerto Rico, this 2nd day of July, 2013.

WE HEREBY CERTIFY that on this same date, we electronically filed the document with the Clerk of Court using the CM/ECF system, which will send notification of such filing to all CM/ECF participants.

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